

4.0.0 DEPRIVATION

4.1.0 Absent Parent

A child is deprived of parental (mother or father or both) care or support when a parent is continuously absent from the home:

1. Due to the parent's death, divorce, legal separation, annulled marriage, abandonment, institutionalization, or incarceration (prison or jail).
2. For any other reason except military service. "Any other reason" means:
 - a. The parent's absence interrupts or ends his/ her parental role of provider of maintenance, physical care, or guidance to the child, and
 - b. The known or indefinite length of the absence is such that s/he can't be counted on for planning the child's present support or care.

4.2.0 Offender Working Without Pay

A child is deprived of parental care or support when a parent is a convicted offender working without pay. The parent may live at home, but not earn a wage because the court's sentence requires unpaid public or community service. S/he can't be in the Medicaid group (even as an essential person) because s/he is considered an absent parent.

4.3.0 Incapacitated Parent

Deprivation can also be due to incapacitation of a parent. Consider a parent incapacitated if, due to physical, emotional, or mental impairment, s/he cannot:

1. Work full-time at employment paying at least Federal minimum wage, or
2. Perform customary, necessary homemaking activities or provide adequate care for his/her children without help from other persons.

4.3.1 Cannot Work

If the applicant claims s/he is incapacitated and cannot work full-time at employment paying at least Federal minimum wage, do the following:

1. Give him/her the Medical Examination and Capacity Form (DES 2012). Instruct him/her that it must be completed by a medical professional.

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4.3.1 Cannot Work (cont.)

2. Send the completed Medical Examination Form to the JOBS agency, and refer the applicant to the JOBS agency.

JOBS will assess the applicant's capacity to work. The applicant must cooperate with JOBS. Participation in assessment activities is mandatory. Failure to cooperate is treated the same as failure to verify required information. It will result in denial of Medicaid.

JOBS will report the results of its assessment to the ESA. If JOBS finds the person's incapacity prevents him/her from working full-time at employment paying at least Federal minimum wage, JOBS will recommend you consider the impairment a deprivation reason. Consult with the JOBS staff whenever you have questions about the JOBS recommendation.

If JOBS believes the person has an incapacity that qualifies as a deprivation reason, it will recommend a date to review the decision.

It is not necessary to refer the person to JOBS if the incapacitation:

1. Is expected to last less than 60 days and the person will return to work.
2. Is so severe that no formal assessment is needed. If someone is hospitalized indefinitely, or is in the final stages of a terminal illness, no formal assessment is needed.

4.3.2 Cannot Provide Care

A parent's physical, mental, or emotional incapacity is a deprivation reason if it prevents him/her from performing customary, necessary homemaking activities or from providing adequate care to his/her children without help from other persons. To qualify as a deprivation, the incapacity must be expected to last for at least 30 days from onset.

If an applicant claims that due to incapacitation s/he is unable to do homemaking activities or provide adequate care, do not refer him/her to the JOBS agency. Make your decision on the basis of presumed or verified incapacitation.

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4.3.2.1 *Presumed Incapacitation*

You may presume incapacitation when you have reliable information received by phone from a physician, hospital, or chiropractor or a public source like a newspaper. You may also presume it if a parent gets SSI or OASDI disability benefits, Worker's Compensation, or private disability insurance benefits. Verify the presumed incapacitation within 60 days of the Medicaid certification date.

4.3.2.2 *Verified Incapacitation*

Inform the applicant that s/he must have the Medical Examination and Capacity Form (DES 2012) completed by a medical professional.

Instruct him/her to fill out a Confidential Information Release Authorization (Medical) Form (35.5.2.3) and return it to you.

4.4.0 Unemployed Parent

4.4.1 Principal Wage Earner

A child is deprived of parental support when either parent is a principal wage earner (PWE). The PWE is the parent:

1. Who earned the most income in the 24 month period that ended last month, and
2. On whose unemployment eligibility is based.

In determining the 24 month period, exclude any month the parent was incapacitated or in a refugee camp for the entire month. Include partial months.

The IM worker must designate the PWE when, in the 24 month period:

1. Primary evidence of earnings is not available. Use the best available evidence.
2. Both parents earned identical or no income.

The PWE must remain the same person for each consecutive month of UP eligibility from the most recent application date.

The PWE must also remain the same person when the deprivation reason changes from the PWE's unemployment, to his/her incapacitation, and to his/her unemployment again, provided payments are continuous:

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4.4.1 Principal Wage Earner (cont.)

1. From the first application for Medicaid, through
2. The application due to incapacitation, and
3. Through the next application for Medicaid.

If no one's eligibility depends on a parent meeting UP criteria, the household has no PWE.

4.4.2 Work Quarter

A work quarter is a period of 3 consecutive calendar months (January-March, April-June, July-September, and October-December) in which a parent:

1. Received gross earned income of \$50 or more as an employee and/or as self-employed.

An employee is a person in the service of another under any contract of hire, express or implied, oral or written, where the employer has the power or right to control and direct the employee in the material details of how the work is to be performed.

2. Participated in the Community Work Experience Program, or
3. Was registered for AFDC WP in Wisconsin or in an AFDC work program in any other state.
4. Participated in a GR work program or RNIP WEP.
5. Participated in Learnfare.
6. Attended full time (as defined by the educational facility):
 - a. At an elementary or secondary school, or a vocational or technical training course that is designed to prepare the person for gainful employment, or
 - b. In a training or educational program established under the Job Training Partnership Act (JTPA).

Count up to 4 calendar quarters of full time attendance. Attendance for a portion of a quarter satisfies this requirement.

In determining 13 quarters of work, don't include any quarter or any part of it in which the parent was unable to work because s/he was:

1. Incapacitated, as verified by a physician, or
2. In a refugee camp.

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4.4.2 Work Quarters (cont)

In the case of a partial quarter, allow him/her to include or exclude it. S/he may want to count a quarter in which s/he was incapacitated for part of the time if s/he was also able to earn income in that quarter.

Include employment even if the income from it is disregarded. An example is earned income from the Older American Community Service Program (15.3.7).

4.4.3 Self-employment & 100 Hours Test

A self-employed person, including a seasonal employee, can be underemployed for the 100 hour test. To determine if s/he is, have him/her complete the Application Supplement for Unemployed Parent form.

Count as hours of work:

1. The time the person uses for:
 - a. Business activities such as planning, selling advertising, and managing, and
 - b. Producing goods and providing services.
2. The hours the business is open.

4.4.4 Employment in Prison

When a parent is released from a penal institution, s/he and his/her family are potentially eligible for Medicaid based on his/her unemployment.

If the parent worked in prison industries, under a work release plan, or any other employment, count the wages s/he earned and quarters worked. For a quarter to count, the person must have earned at least \$50 in the quarter.

4.4.5 Qualified for UC

Consider a parent qualified for Unemployment Compensation (UC) if s/he meets 1 of the following:

1. Would have been eligible for UC, had s/he applied for it.
2. Performed work not covered by UC which, had it been covered, would have met UC requirements.
 - a. If s/he was laid off, s/he is qualified if s/he worked 18 or more weeks within the past 52 weeks for one or more employers. You need not contact JSO on this.
 - b. If s/he was fired from or quit a job not covered by UC, JSO will give you a general idea whether s/he would have been eligible had s/he worked in

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4.4.5 Qualified for UC (cont.)

covered employment. Telephone a UC adjudicator with this information:

- (1) Person's name,
- (2) Number of weeks worked past 52 weeks,
- (3) Whether s/he quit or was fired.

3. Was self-employed and would have been eligible if s/he had worked for a covered employer. A self-employed carpenter, for example, can be considered qualified for UC if s/he worked for a contractor.

4.4.6 Good Cause

A parent who lost or refused employment or training for employment for any reason below has good cause:

1. There was no definite offer of employment at wages meeting minimum wage requirements and customary for work in the community.
2. S/he wasn't physically able to do the work.
3. S/he couldn't get to and from the job, or commuting time was more than 2 hours a day.
4. There were risks to health and safety.
5. Worker's compensation wasn't available.
6. Your social services section has documented in the case record that it was essential to the family's well-being that s/he be in the home.

An offer of more hours is an offer of employment. Participating in a strike (8.1.0) isn't good cause for leaving or refusing to accept or seek employment.

You may use JSO to evaluate an offer of employment. If an offer was made through JSO, JSO will determine if the refusal was for an offer for employment. Refer the question to them and follow their decision.

4.5.0 Huber Law

Huber law prisoners who are released from jail for the purpose of attending to the needs of their families can become eligible for Medicaid. Either parent in the household may provide the deprivation reason based on unemployment, underemployment, or deprivation.

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4.5.0 Huber Law (cont.)

If the other parent is continuously absent (4.1.0), the Huber law prisoner may be the caretaker (3.2.0) in the household if the prisoner:

1. Intends to return to the home,
2. Continues to exercise responsibility for the care and control of the child(ren), and
3. Continues to be involved in the planning for the support and care.

Huber law prisoners who are released for a purpose other than attending to the needs of their families are not eligible for Medicaid. Consider them to be absent parents (4.1.0).

4.6.0 Dependent 18 Year Old

Anyone age 18 is a dependent 18 year old if s/he is:

1. Classified as a full-time student in a high school, or in the equivalent level of vocational or technical training and reasonably expected to complete the program before age 19, or
2. Carrying sufficient credits to be reasonably expected to graduate or get a GED before reaching age 19. If s/he is, for example, carrying only 3 credits, but only needs 3 credits to graduate, s/he is a full-time student.